

## **EXHIBIT C (EXCERPT)**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re Pork Antitrust Litigation

Case No. 0:18-cv-01776-JRT-HB

This Document Relates To:

All Actions

**CLEMENS FOOD GROUP, LLC AND  
THE CLEMENS FAMILY  
CORPORATION'S AMENDED  
RESPONSES AND OBJECTIONS TO  
ALL PLAINTIFFS' FIRST SET OF  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS**

Clemens objects to the request for “[a]ll Communications and Documents” over more than a decade as overly broad, unduly burdensome, irrelevant to the claims and defenses in this litigation, and not proportional to the needs of this case. Clemens further objects to the term “Pork Integrator” as detailed above on page 7.

Subject to and without waiving these objections, its Scope Limitations, and Objections to Definitions, Clemens will make a reasonable effort to search agreed on sources for documents concerning meetings between Clemens and a named Defendant, and will produce responsive documents to the extent not otherwise privileged. Clemens further incorporates its response to Request No. 5(a). Per the parties’ agreement, Clemens reserves the right to raise a burden objection should the volume of documents become unexpectedly high. Clemens will notify Plaintiffs and engage in a meet and confer should volume become an issue.

**REQUEST NO. 5:** For each Document Custodian, all:

- a. electronic and hard copy diaries, calendars, appointment books or notes, notebooks, or to-do lists ;
- b. contact information maintained in electronic or hard copy format, for any Person who is or was: (i) an owner, employee, consultant, officer, board member, Representative, or agent of a Pork Integrator or Agri Stats; (ii) a Creditor Representative or Industry Analyst; (iii) an employee of a Trade Association; or (iv) an employee of any entity that falls within the definition of Industry Meeting.
- c. trip and travel logs and records, expense reports, and entertainment reports, including any other supporting Documents;
- d. bills, statements, records, and supporting Documents concerning local, long distance, and cellular telephone calls by such employees, including calls made using telephones not paid for by You (such as home office, fax, and personal telephone numbers, personal cellphones, and temporary pay-as-you go cellphones) if such telephones were used for business purposes;
- e. Documents relating to membership in any Trade Association or industry group or attendance at any Trade Association, Industry Meeting or Creditor Conference, including announcements, membership lists, presentations

- (including speaker notes), agendas, minutes, notes, attendance lists, and correspondence;
- f. a copy of the Person's most recently created resume or curriculum vitae (CV);
  - g. copies of any transcripts or recordings of prior testimony relating to Competitive Conditions in the market for Pork, such as testimony at a deposition, trial, or public hearing;
  - h. Documents sufficient to show the Document Custodian's complete contact information, including all phone numbers, social media user names or "handles," and email addresses used by such persons for any business purposes, even if only sparingly; and
  - i. Any severance agreements in connection with the Document Custodian ceasing employment or changing employment status with You (without time limitation).

### **RESPONSE TO REQUEST NO. 5**

Clemens objects to this Request, which seeks "all" of the information listed for more than a decade, as vague and ambiguous, overly broad, unduly burdensome, irrelevant to the claims and defenses in this litigation, and not proportional to the needs of the case. Clemens also objects to the extent this Request seeks documents that are not in Clemens' possession, custody, or control, including, but not limited to, a Document Custodian's "diaries," the personal statements and bills from personal cell phones and telephones, and "social media user names or 'handles.'" In addition, Clemens objects to this Request to the extent it seeks production of documents that are protected from disclosure by the attorney-client privilege, work-product doctrine, or other applicable privilege, including, but not limited to, severance agreements. Clemens objects to the extent that the information sought is protected by a confidentiality agreement. Clemens further objects to the term "Pork Integrator" as detailed above on page 7. Clemens also objects to the extent that the information sought—including, but not limited to, "copies of any transcripts or recordings of prior testimony relating to Competitive Conditions in the market for Pork, such as testimony at a

deposition, trial, or public hearing”—is publicly available to Plaintiffs. Finally, Clemens objects to this Request to the extent it presupposes any documents described therein exist.

Subject to and without waiving these objections, its Scope Limitations, and Objections to Definitions, and unless the parties reach agreement otherwise for individual document custodians, Clemens agrees to produce the following:

Clemens will make a reasonable effort to search for each document custodian’s Outlook calendars and hard-copy, work-related calendars, appointment books, and day planners.

Clemens will further produce contact information consistent with the ESI Protocol, ¶¶ V.E.2 and II.K.

Per the Parties’ agreements on 7/16/2019 and 8/19/2019, Clemens will make a reasonable effort to search for and produce travel logs and expense reports, excluding travel logs and expense reports related solely to Clemens employees’ inter-company travel or travel to contract farms that grow hogs for Clemens. Clemens further reserves its right to withhold expense reports related to travel or entertainment when it has no reason to believe anyone else was present from another Defendant or from Agri Stats.

Clemens will make a reasonable effort to search for telephone (local, long distance, and cellular) call bills and records to the extent those phone lines were used by the document custodian for business purposes and are currently within Clemens’ possession. Clemens reserves all rights to redact entries reflecting contact information for family and friends not involved in the pork industry consistent with the ESI Protocol, ¶¶ V.E.2 and II.K.

Clemens will make a reasonable effort to search agreed on sources for documents relating to the document custodian’s membership in or attendance at meetings of the trade associations identified in the Complaint.

Clemens will make a reasonable effort to search agreed on sources for each document custodian's current resume or curriculum vitae, if it exists.

Clemens will make a reasonable effort to search agreed on sources for copies of any transcripts or recordings of prior testimony by each document custodian relating to competitive conditions in the market for Pork.

Clemens will make a reasonable effort to search for documents sufficient to show each document custodian's business contact information.

With respect to document custodian David Budnick (a former employee), the parties agreed that Clemens' search for responsive documents will be limited to, to the extent they exist, Mr. Budnick's emails, his electronic files in his personal drive folder, and his hard copy documents inherited by and in Josh Rennell's possession from January 1, 2008 until May 2, 2017 (when Mr. Budnick left Clemens).

With respect to document custodian Phil Clemens (the former CEO), the parties agreed that Clemens search for responsive documents will be limited to, to the extent they exist, Mr. Phil Clemens' emails, his electronic files in his personal drive folder, and his hard copy documents inherited by and in Doug Clemens' possession from January 1, 2008 until August 7, 2015 (when Mr. Phil Clemens retired from his position as CEO).

For the categories of documents it specified, Clemens will produce responsive documents that are not otherwise privileged.

**REQUEST NO. 6:** Copies of all Telephone Records in your possession, custody, or control, including Telephone Records of your main phone number(s), main fax number(s), and any phone number used as a switchboard for any of your relevant facilities such as your headquarters, administrative offices, Pork Farms, Pork Processing Facilities, and Pork sales offices.